

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

SAMMIE D. KINNARD )  
 )  
v. ) NO. 3:06-0338  
 ) JUDGE CAMPBELL  
METRO POLICE DEPARTMENT, et al. )

ORDER


Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 89), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved.

Accordingly, Defendants' Motion for Summary Judgment (Docket No. 59) is GRANTED in part and DENIED in part as follows. Plaintiff's claims against Defendants Serpas, McCormack, Tharpe, Bray and Deslauriers are DISMISSED.

In addition, Defendant McClusky's Motion for Summary Judgment (Docket No. 71) is GRANTED, and Plaintiff's claims against Defendant McClusky are DISMISSED.

Plaintiff's remaining claim against Defendant Reece for excessive force and his claims against Defendants Reece and BeCraft for unlawful arrest are set for trial by contemporaneous Order.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE